

KCC 4980  
K-C 19,319  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Duane G. Krzysik  
Serial No. 10/829,518  
Filed April 22, 2004  
Confirmation No. 7372  
For LIQUID CLEANSER COMPOSITIONS

Art Unit 1751

September 20, 2006

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,

SIR:

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

This letter is in response to the Office action dated August 31, 2006 in which the Office has required an election of species from the group of zwitterionic surfactants set forth in claims 9, 29, and 49.

Initially, applicants note that the Office has erroneously relied upon PCT Rules 13.1 and 13.2, stating that the species in claims 9, 29, and 49 lack unity of invention because they are not linked so as to form a single general inventive concept. However, PCT Rule 13 and lack of unity of invention are applicable to international applications as filed under the Patent Cooperation Treaty. In contrast, the present application was filed as a U.S. national application for patent, filed in the U.S. Patent and Trademark Office under 35 U.S.C. §111, and was not filed as an international application. Therefore, PCT Rule 13 is not applicable to this application. As such,

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applicants respectfully submit that the Office's comments regarding lack of unity of invention are also inapplicable to the present application.

Applicants thus interpret the Office action as a requirement to elect a type of zwitterionic surfactant, as set forth in claims 9, 29, and 49. Based on this interpretation, applicants elect 4-[N,N-di(2-hydroxyethyl)-N-octadecylammonio]-butane-1-carboxylate as the zwitterionic surfactant. All claims (claims 1-57) read on the elected species.<sup>1</sup>

Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected species.

The Commissioner is hereby authorized to charge any government fees which may be required to Deposit Account No. 19-1345.

Respectfully Submitted,



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CMG/LJH/cms  
By EFS

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<sup>1</sup> The Office has stated that claims 5, 25, and 45 are generic. Applicants submit that independent claims 1, 22, and 42 are also generic.